

The City of Frederick, Maryland
RECREATION & PARKS COMMISSION

Minutes of April 20, 2011

(Approved May 10, 2011)

Members Present: J. Baldi, C. Meierhoefer, J. Grove, M. Lawrence, R. Knight

Staff Present: R. Myers, K. Winterstein, Alderman M. O'Connor, P. Reppert

Regrets: K. Wagester

Absent: J. Myers, D. Rivera

Meeting called to order by Chairman J. Baldi at 7:00 p.m.

- 1. Review of the February 16, 2011 minutes:

Motion by J. Grove to approve the minutes as submitted

2nd by C. Meierhoefer

All in favor.

- 2. Request from the Frederick Tourism Council of Frederick and the Maryland Wineries Association to allow alcohol to be served in Carroll Creek Urban Park for their "Eat*Drink*Go Local Frederick" event to be held on July 9, 2011. Kevin Atticks, Director and Jade Ostner, Event Coordinator offered that they are the recipients of a USDA grant to develop farmers market style events throughout the state that highlight local farmers and producers. The event has local wineries coming and pairing up with local farmers and/or producers. There will also be a number restaurants participating that are only invited if they agree to use only local products in their demonstrations at the event. Frederick is one (1) of four (4) events being planned in the State of Maryland. Others being North Beach (Calvert County), Prince Georges County and Silver Spring. The event is modeled around a traditional farmers market; there will be no admission fee. Sampling of wine will have an entry level ticket available where people will be ID checked and wrist banded. Security will also be monitored on site. A very small sampling glass, this is not a consumption event so it is unlike the Wine Festival. We will not be permitting wineries to sell glasses of wine or bottles of wine for consumption on the premises. With a higher price admission, ticket holders will be part of the "chef pairings" matching food up with local wines. That ticket will also provide a bottle carrier. They have secured the Frederick Wine Festival License for this event; there is an alternate license available starting June 1 and this event is scheduled for July 9. The General Assembly has just approved a new farmer's market permit which will allow wineries to get that and there may be some reasons we want that license instead of the Wine Festival License provided by the Frederick County Liquor Board. The difference is that the new one allows bottle and sample sales but not glass sales. The Wine Festival License allows glass sales but we would strike that from our agreement to make sure that glass sales is not permitted.

J. Grove stated it is a great idea and as long as consumption is contained in an area. K. Atticks stated there is a question about that. They noticed on the application there is a question about "snow fencing". Given the way the event is set up there will be people coming in and out that will be ticketed or not ticketed. Other events throughout the state do not have to be contained since it is not a consumption event. We are not going to have sales by the glass or open bottle at this event; we want the feel of the open farmers market with the addition of restaurants.

R. Myers stated the Frederick County Liquor Board requires areas where alcohol is provided to be fenced and asked if that is the case with this event. K. Atticks stated participants will be carded, but when they met with Kathy Vahle of the Frederick County Liquor Board, she thought the City would require fencing. She stated she would not require it but the City would. J. Baldi stated that all alcohol events on Carroll Creek are required to have the "beer garden" set up per the Frederick County Liquor Board's requirements. He continued stating that just the top area above the amphitheater could be fenced in for a "wine garden" with the remainder of the park

open. K. Atticks stated that the fencing would defeat the purpose of how the event is set up to be open air. Everyone is certified and trained and that is the way other types of these events in the state are handled currently. They find it is dissuasive to folks in having to enter a fenced in area they back out into the market itself; we want them to mingle. J. Baldi stated he understood K. Atticks point, but this Commission does not have that authority; we can give the authority to use the facility, but you will have to meet with staff and/or the Frederick County Liquor Board to determine what is required of this event. R. Myers stated they are only before this Commission to get approval to serve alcohol at this event. It is up to the Maryland Wineries Association to work with the Frederick County Liquor Board to receive their license(s) and/or fencing requirements. R. Myers stated he is uncomfortable with not having the fencing as then there would be numerous other requests to do the same thing. We have been very consistent with Celebrate Frederick, the Downtown Frederick Partnership and others having alcohol events on Carroll Creek Urban Park and they all have to have the fencing in place.

K. Atticks offered that the sample size is 3/8 of an ounce or 10ml; normally wineries or festival samples are a full ounce. This is not intended to be a consumption event. There will not be seating or a live band which would discourage people from staying longer.

Motion by R. Knight to recommend to the Mayor and Board of Alderman to approve the request from the Maryland Wineries Association for alcohol at their "Eat*Drink*Go Local Frederick" event on Carroll Creek Urban Park July 9, 2011;

2nd by M. Lawrence

Four (4) in favor - one (1) opposed (J. Grove).

- 3. Request from FACKA Sports LLC and Jason Mecler to be allowed to serve alcohol on Carroll Creek Urban Park at their "6th Annual JoAnn Garrett Classic" event to be held June 11, 2011. J. Mecler stated this event raises money for FMH cancer patients and the American Cancer Society. Request permission to allow alcohol at this event with a beer garden. There will be three (3) bands playing during the event. Security is provided by FACKA and they expect approximately 750 people.

Motion by J. Grove to recommend to the Mayor and Board of Alderman approve the request from FACKA Sports LLC to be allowed to have alcohol at their "6th Annual JoAnn Garrett Classic" event on Carroll Creek Urban Park on June 11, 2011;

2nd by R. Knight

ALL in favor.

- 4. Request from the Maryland Shakespeare Festival to waive fees for the use of the Baker Park Bandshell for their Good Will Summer Tour performance of "As You Like It" on July 29 & 30, 2011. Mr. John Bollomo, Artistic Director, is asking for a rental fee waiver of \$200 for the Baker Park Bandshell for two (2) nights.

J. Baldi stated the request is going to be tough with the economic and budgetary issues facing the City at this time. While what you are doing is respected, we are not in a position to waive fees.

R. Myers stated that is staff's recommendation as well.

J. Grove stated the documentation stated the possibility of having a food vendor at the event, it is suggested to charge the food vendor(s) enough to offset the rental fee. Celebrate Frederick does this and it does help offset the costs.

J. Bollomo offered that everywhere they perform in the state they are paid by the communities an average of \$3,000 per performance. Those shows are performed for free for those communities. Frederick is our home as we are based here; five (5) performances a year are done at the parish hall. They are currently working with Plamondon Group hotels and local restaurants to create a package for this weekend event to bring people into Frederick for that Friday night and Saturday.

J. Baldi asked if you have talked to the City's Office of Special Events as this is where this type of event would fall. J. Grove stated they have worked with OSE in the past.

C. Meierhoefer asked if the admission charges for the shows held at All Saints would cover the rental of the Bandshell. J. Bollomo offered that yes it could do that. We are doing this as a thank you to the City of Frederick because we want to. It does cost quite a bit of money to pay professional actors to participate in the winter season performances.

R. Myers offered economic and budgetary information that waiving fees, no matter what they are, add up in the end. It is ultimately the Commissions decision on the recommendation to the Mayor and Board of Aldermen. The group was encouraged again to try to work with the Office of Special Events.

Motion by J. Grove to recommend to the Mayor and Board of Alderman to deny a request from the Maryland Shakespeare Festival to waive rental fees in the amount of \$200 for the Baker Park Bandshell;

2nd by J. Baldi

Four (4) in favor - one (1) opposed (R. Knight).

They are also requesting an extension of the Park Closing Hours for this event for Friday, July 29 until 10:30 p.m. and on Saturday, July 30 until 11:00 p.m. The performances will end by 10:00 p.m. each evening and the extension is to secure the set on Friday and break down on Saturday. R. Myers stated that staff has no issues with this request.

Motion by R. Knight to recommend to the Mayor and Board of Aldermen to allow the extension of the Park Closing Hours on Friday, July 29, 2011 to 10:30 p.m. and Saturday, July 30, 2011 to 11:00 p.m.;

2nd by J. Baldi

ALL in favor

- 5. Discussion of a proposed community orchard in the City's parks system. Mr. Darah Coly of USDA and Ms. Karen Brooksbaum of the Frederick Community Gardens Association. D. Coley stated that Jack Lynch brought the idea of starting an apple orchard in the community. Local students and FFA groups would be called upon to assist with the project once it has begun. Food would be donated to shelters, etc., to provide to those less fortunate. Pesticides will not be used on this project. R. Myers offered that they originally wanted to use Room 4 of Baker Park (near Schifferstadt Architectural Museum), but the City is not sure what is intended for that area and it stays pretty wet most of the time. K.

Brooksbaum stated they looked at the site in Fredericktowne Village Park between Schifferstadt Boulevard and Dogwood Drive and found that this area could work. This project will be pretty much no cost to the City. There was talk a while ago that if the City ever did an arboretum, this would be the location in which to do it. The way the grant works through the Fruit Tree Planting Foundation is they come in with the trees; which they like parks and schools areas, plant and provide volunteer training on caring for the trees as well as technical support. This also does seem to align nicely with the City's Afforestation plan as well. Recommended cultivars to need no pesticides pears, apple, june berry, tart berry, persimmon; which are blight resistant and require minimal maintenance. The number of trees will be determined as the project moves forward. Grant writing support will continue to be offered through K. Brooksbaum.

C. Meierhoefer asked if K. Brooksbaum would be overseeing and sustaining this project over time. D. Coley offered that whomever the high school club leaders, FFA leaders, etc. will incorporate it into their projects annually.

R. Myers stated this project is worth a try and worst case scenario it will add to our tree canopy.

Motion by R. Knight to allow the proposed community orchard in Fredericktowne Village Park;

2nd by J. Grove

ALL in favor

- 6. Discussion of the Nicodemus Farm parkland dedication by Pam Reppert, Planning Department and Chris Smariga of Harris, Smariga and Associates. C. Smariga stated they are planning on four (4) separate areas for a total of 11.67 acres of City parkland. The current proposal is for a TND (Traditional Neighborhood Development) which is a new design concept through the LMC consisting of neighborhood and commercial aspects. After a lengthy discussion, P. Reppert stated that the Maryland Historic Trust (MHT) has been notified of the structures on this property; some of which are in the proposed parkland areas. R. Myers stated that staff was not aware of that and did not want the property if there are any historic properties located on it as maintenance would be a very large issue. C. Smariga stated he was unaware of the MHT's involvement at this time. It was determined that this will go back to the Planning Department for further modification

and they will come to a future Recreation & Parks Commission meeting when they are ready.

- 7. Discussion of changing the existing ordinance (Sec. 25-30) regarding Fishing at Culler Lake. R. Myers offered that the current ordinance states that when fishing in Culler Lake it is catch and release. It is being recommended that it fall under the State of Maryland Department of Natural Resources licensing guideline which is that any catch can be kept and must have a current license as well. No enforcement is available for the current ordinance and people that are currently fishing in the lake do not know this stipulation. This change is strictly for Culler Lake only. DNR will enforce their laws within the City limits and they are strict in monitoring.

Motion by R. Knight to recommend to the Mayor and Board of to change to Sec. 25-30 of the City's Charter and Code to eliminate "and may fish on a catch and release basis";

2nd by J. Baldi

ALL in favor.

- 8. Discussion regarding authorizing the volunteer Park Enforcement Agent to be able to issue citations. R. Myers introduced Joleen Hart who is our volunteer Park Enforcement Agent. Due to staff retirement over the past couple of years, these positions have been vacant and unfilled due to budgetary constraints. A lot of calls, complaints, violations, etc. are received and either the City Police are asked to get involved or they go unresolved. Ms. Hart recently left the City Police Auxiliary and approached staff about the possibility of volunteering for the Park Enforcement Agent duties. She is doing an unbelievable job and works a lot of hours and apologizes when she is not present! Currently being a volunteer she cannot write citations and we would like to change this policy to allow the volunteer to write citations for park violations only. The volunteer will also go through the City Police for citation training as well. This ability will give some credence to those constantly violating City Ordinances for park violations. J. Hart provided members with a Courtesy Citation which lists the infractions and their monetary charges that is currently being used. She also stated she has written several hundred citations in her time as an Auxiliary member; also has been to court three (3) times with regard to these citations and won all three (3) cases. Further she would like to have the capability to issue citations when necessary but prefers to educate violators to keep the

incidents down or actually stop them in a positive manner. J. Hart will work with K. Winterstein to track, collect fines and maintain any issued citations. The Commission members thanked Ms. Hart for volunteering for this position.

Motion by R. Knight to recommend to the Mayor and Board of Aldermen to allow volunteer Park Enforcement staff the ability to write and issue citations regarding park violations;

2nd by J. Grove

ALL in favor

- * Change of Recreation and Parks Commission monthly meeting day - R. Myers offered that in order to have more time to prepare R&PC agenda items for the Mayor and Board of Aldermen as well as to get the items on their agenda in a timely manner. Discussion by the members present stated to poll all members via email and the consensus rules. K. Winterstein will send an email to all members and report back.
- * Fee waivers - R. Myers stated a concern that he sees with the Commission struggling to make decisions on fee waiver requests. Further current rates do not cover the costs to maintain the parks, then to waive them puts us further in the red. Staff wants to make this process more informative, easier for the Commission to make decisions and will work on this issue providing updates as necessary.

Meeting adjourned at 9:10 p.m.

Respectfully submitted,

Kristi A. Winterstein

Commission Secretary